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TO: Senate Committee on Natural Resources

FROM: Missoula County Commissioners

RE: HB 557

DATE: March 13, 2007

SENATE NATURAL RESOURCES

EXHIBIT NO. 11

DATE 3-14-07

BILL NO. HB 557

Missoula County, on behalf of our residents, continues to oppose HB 557. Substantial parts of the Missoula valley outside the limits of the City of Missoula have been zoned residential for more than 30 years. Missoula County considers this zoning a commitment to those who bought or built their family homes in reliance on the zoning.

Within these areas zoned residential there remain a number of parcels 20 acres or larger in size. Because Montana law allows any tract 20 acres or larger to be taxed at the lower agricultural tax rate (Class Three), any or all of these currently vacant tracts could, if HB 557 is adopted, be used as gravel pits notwithstanding residential development adjacent to the pit and notwithstanding residential zoning of long duration.

It is important for this committee to understand that legal authority to operate a gravel pit carries with it more than just the right to extract gravel. The operator of the pit is also allowed to process the gravel onsite. This processing may include such activities as sorting, crushing, milling and operation of hot mix asphalt plants and concrete batch plants. These are heavy industrial uses which no one can consider consistent with residential development on neighboring property.

The development of these heavy industrial uses in areas that were planned and zoned as residential will also increase county costs and liability exposure. Public infrastructure in areas planned and zoned as residential is generally designed and built for residential, not industrial use. Industrial use will impose at a minimum increased maintenance costs and may require reconstruction or other improvements.

Missoula County would request that interests of house owners who have relied on zoning be respected and HB 557 be rejected. Only 1.5% of the property in Missoula County is subject to zoning restrictions on gravel extractions but for persons owning homes in these zoned areas the protection afforded by zoning limits on gravel extraction and processing are essential to the protection of their property values and their way of life.

Please reject HB 557.